

Notice of Allowability

Application No.

10/619,558

Examiner

Ramsey Zacharia

Applicant(s)

BONNET ET AL.

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ The drawings filed on ____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>7/16/2003</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance.

The invention as claimed is directed to a composition comprises, by weight, 20 to 40 parts of PVDF, 40 to 60 parts of PMMA, 5 to 18 parts of an acrylic elastomer, and 1 to 4 parts of a UV absorber, wherein the total is 100 parts.

Strassel et al. (U.S. Patent 5,242,976) and Moriya et al. (U.S. Patent 5,256,472) represent the closest prior art. Strassel et al. teach a composition comprising 27 to 50 parts of a methacrylate polymer and 73 to 50 parts of an additive. The additive comprises 35 to 50 parts PVDF and 65 to 50 parts of an acrylic elastomer. That is, there is at least as much acrylic elastomer in the composition as PVDF, as opposed to the instant invention which recites an upper limit of 18 parts acrylic elastomer and a lower limit of 20 parts of PVDF.

Moriya et al. teach a composition that comprises 50 to 95 parts of a methacrylate resin, 5 to 50 parts of a vinylidene fluoride resin, and 0.1 to 15 parts by weight of a UV absorber. While Moriya et al. do teach that the methacrylate resin may be a blend of polymethyl methacrylate and an acrylic rubber, the claims are not anticipated because Moriya et al. do not teach the relative amounts of polymethyl methacrylate and elastomer. Moreover, the results presented in the specification demonstrate unexpected results that render the claimed invention non-obvious over the teachings of Moriya et al. Particularly, comparative Examples 6 and 7 illustrate compositions in which the amount of PMMA is 32.5 parts by weight (below the claimed lower limit of 40 parts) and acrylic elastomer is 32.5 parts (above the claimed upper limit of 18 parts). These compositions, in which the amounts of PMMA and acrylic elastomer were outside the claimed ranges, result in materials that have insufficient UV absorbance. Since Moriya et al. do

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not teach or suggest that that UV absorbance is improved by controlling the relative amounts of PMMA and acrylic elastomer and since one skilled in the art would not expect that the relative amounts of PMMA and acrylic elastomer to affect the UV absorbance of the resulting material, the showing in the specification constitutes evidence of nonobviousness.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Zacharia whose telephone number is (571) 272-1518. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (571) 272-1516. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ramsey Zacharia
Primary Examiner
Tech Center 1700